

Notice of Allowability

Application No.

10/769,784

Examiner

Hetul Patel

Applicant(s)

URATANI ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on June 16, 2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 03 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04/22/05, 02/03/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This office action is in response to the preliminary amendment file on June 16, 2005. Claims 1, 8, 11, 14 and 17-20 are amended and claims 1-20 are currently pending in the application.
2. The IDS filed on 02/03/2004 and 04/22/2005 have been received and carefully considered.

Allowable Subject Matter

3. Claims 1-20 are allowed.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
5. Authorization for this examiner's amendment was given in a telephone interview with Carl Brundidge (Reg. No. 29,621) on 04/14/2006.
6. The application has been amended as follows:
 - Claim 1, line 1: replace the word "communicably" with --directly--.
 - Claim 8, line 1: replace the word "communicably" with --directly--.
 - Claim 11, line 1: replace the word "communicably" with --directly--.

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- Claim 14, line 1: replace the word "communicably" with --directly--.
- Claim 17, line 1: replace the word "communicably" with --directly--.
- Claim 18, line 1: replace the word "communicably" with --directly--.
- Claim 19, line 1: replace the word "communicably" with --directly--.
- Claim 20, line 1: replace the word "communicably" with --directly--.
- Replace the current title with the following title:

"DISK ARRAY APPARATUS AND METHOD FOR AVOIDING DATA
CORRUPTION BY SIMUTANEOUS ACCESS BY LOCAL AND REMOTE
HOST DEVICE"

REASONS FOR ALLOWANCE

7. The following is an examiner's statement of reasons for allowance:

The prior arts of record do not teach nor suggest, either alone or in combination, all the limitations of the independent claims of the current invention (claims 1, 8, 11, 14 and 17-20); particularly a method and a disk array apparatus comprising a logical unit formation section for forming a plurality of logical units from the storage region that is incapable of establishing the direct connection with the host computer; a check section for checking a validity of an instruction coming from the first host computer for forming a pair between the logical unit formed from the storage region of the disk array apparatus and the logical unit formed from the storage region of the another disk array apparatus; and a pair formation section for forming the pair if instruction determined to be valid, as recited in claims 1, 8, 11, 14 and 17-20.

Claims 2-7, 9-10, 12-13 and 15-16 further limit the allowable independent claims. These claims are therefore allowable for the same reason as set forth supra.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hetul Patel whose telephone number is 571-272-4184. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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